

1. PRESIDENT BRIAN S. McCARTHY CALLS ASSEMBLY TO ORDER
2. PRAYER OFFERED BY CITY CLERK PATRICIA PIECUCH
3. PLEDGE TO THE FLAG LED BY ALDERMAN DAVID SCHONEMAN
4. ROLL CALL
5. REMARKS BY THE MAYOR
6. RESPONSE TO REMARKS OF THE MAYOR
7. RECOGNITIONS
8. READING OF MINUTES OF PREVIOUS MEETING

Board of Aldermen..... 03/8/16

9. COMMUNICATIONS

From: Len Fournier, Superintendent, Woodlawn/Pinewood Cemeteries
Re: Request for Joint Convention with Woodlawn Cemetery Board of Trustees

From: Mayor Jim Donchess
Re: Contract Award of Library HVAC Maintenance

PERIOD FOR PUBLIC COMMENT RELATIVE TO ITEMS EXPECTED TO BE ACTED
UPON THIS EVENING

10. PETITIONS
11. NOMINATIONS, APPOINTMENTS AND ELECTIONS
12. REPORTS OF COMMITTEE

Finance Committee	03/16/16
Human Affairs Committee.....	03/14/16
Personnel/Administrative Affairs Committee.....	03/07/16
Planning & Economic Development Committee.....	03/15/16

13. WRITTEN REPORTS FROM LIAISONS
14. CONFIRMATION OF MAYOR'S APPOINTMENTS

Cultural Connections Committee

Rafael Calderon (New Appointment)
394 Notre Dame Avenue
Manchester, NH 03102

For a Term to Expire: February 28, 2018

Sylvia E. Gale (New Appointment)
4 Clergy Circle
Nashua, NH 03064

For a Term to Expire: February 28, 2018

Deepa Mangalat (New Appointment)
18 Wild Rose Drive
Nashua, NH 03063

For a Term to Expire: February 28, 2019

Downtown Improvement Committee

Simon Sarris (New Appointment)
23 Auburn Street
Nashua, NH 03064

For a Term to Expire: December 13, 2016

UNFINISHED BUSINESS – RESOLUTIONS

R-16-007

Endorsers: Mayor Jim Donchess
Alderman-at-Large Lori Wilshire
Alderman June M. Caron
Alderwoman Mary Ann Melizzi-Golja
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Tom Lopez

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$40,000 FROM THE STATE OF NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES INTO PUBLIC HEALTH AND COMMUNITY SERVICES GRANT ACTIVITY "FY2016 AND FY2017 CLIMATE AND HEALTH ADAPTATION PLAN (CHAP)"

- Human Affairs Committee Recommends: Final Passage

R-16-010

Endorsers: Mayor Jim Donchess
Alderman Richard A. Dowd

AUTHORIZING THE MAYOR AND CITY TREASURER TO INCREASE THE BOND AUTHORIZATION FOR ROAD AND TRAFFIC IMPROVEMENTS ON AMHERST STREET BETWEEN CHARRON AVENUE AND DIESEL ROAD AND ISSUE BONDS NOT TO EXCEED THE AMOUNT OF ONE MILLION FOUR THOUSAND DOLLARS (\$1,004,000)

- Anticipated Recommendation from Budget Review Committee Mtg of 3/21/16

R-16-011

Endorsers: Mayor Jim Donchess
Alderman Richard A. Dowd
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Don LeBrun
Alderman Sean M. McGuinness

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF UP TO AN ADDITIONAL \$62,000 FROM THREE PROPERTY OWNERS AS CONTRIBUTIONS TOWARD THE ROAD AND TRAFFIC IMPROVEMENTS ON AMHERST STREET BETWEEN CHARRON AVENUE AND DIESEL ROAD

- Anticipated Recommendation from Budget Review Committee Mtg of 3/21/16

R-16-016

Endorsers: Mayor Jim Donchess
Alderman Ken Siegel
Alderman-at-Large Brian S. McCarthy
Alderwoman Mary Ann Melizzi-Golja

AUTHORIZING THE CITY OF NASHUA TO ENTER INTO A FIRST AMENDMENT TO LEASE AGREEMENT WITH MAKEIT LABS FOR A PORTION OF 25 CROWN STREET

- Finance Committee Recommends: Final Passage

R-16-017

Endorsers: Mayor Jim Donchess
Alderman-at-Large Lori Wilshire
Alderman Ken Siegel
Alderman June M. Caron
Alderman Mary Ann Melizzi-Golja
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Tom Lopez

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$70,000 FROM THE STATE OF NEW HAMPSHIRE DEPARTMENT OF HEALTH & HUMAN SERVICES INTO PUBLIC HEALTH AND COMMUNITY SERVICES GRANT ACTIVITIES "FY17 AND FY18 TUBERCULOSIS PROGRAM OF GREATER NASHUA"

- Human Affairs Committee Recommends: Final Passage

R-16-018

Endorsers: Mayor Jim Donchess
Alderman-at-Large Lori Wilshire
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Mary Ann Melizzi-Golja
Alderman Don LeBrun
Alderman Ken Siegel
Alderman June M. Caron
Alderman Richard A. Dowd
Alderman Tom Lopez

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$120,000 FROM THE STATE OF NEW HAMPSHIRE DEPARTMENT OF HEALTH & HUMAN SERVICES INTO PUBLIC HEALTH AND COMMUNITY SERVICES GRANT ACTIVITIES "FY17 AND FY18 IMMUNIZATION PROGRAM OF GREATER NASHUA"

- Human Affairs Committee Recommends: Final Passage

R-16-019

Endorsers: Mayor Jim Donchess
Alderman-at-Large Lori Wilshire
Alderman June M. Caron
Alderman Ken Siegel
Alderman Mary Ann Melizzi-Golja
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Don LeBrun
Alderman Tom Lopez

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$170,000 FROM THE STATE OF NEW HAMPSHIRE DEPARTMENT OF HEALTH & HUMAN SERVICES INTO PUBLIC HEALTH AND COMMUNITY SERVICES GRANT ACTIVITIES "FY17 AND FY18 STD & HIV DISEASE CONTROL"

- Human Affairs Committee Recommends: Final Passage

UNFINISHED BUSINESS – ORDINANCES**O-16-003**

Endorsers: Mayor Jim Donchess
Alderman Ken Siegel
Alderman Don LeBrun

ADMINISTRATIVE ENFORCEMENT OF ORDINANCES

- Personnel/Administrative Affairs Committee Recommends: Final Passage as Amended

O-16-004

Endorsers: Alderman Benjamin Clemons
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Tom Lopez
Alderman Richard A. Dowd
Alderman-at-Large Brian S. McCarthy

EXTENDING HOURS OF SALE OF ALCOHOLIC BEVERAGES BY ON-PREMISES LICENSEES

- Personnel/Administrative Affairs Committee Recommends: Indefinite Postponement

NEW BUSINESS – RESOLUTIONS

R-16-020

Endorser: Mayor Jim Donchess
AUTHORIZING AN AGREEMENT TO RESTRUCTURE THE DEBT OF CLOCKTOWER HOUSING ASSOCIATES LIMITED PARTNERSHIP

R-16-021

Endorser: Alderman Richard A. Dowd
APPROVING THE COST ITEMS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE NASHUA BOARD OF EDUCATION AND THE NASHUA ASSOCIATION OF SCHOOL PRINCIPALS FROM JULY 1, 2015 THROUGH JUNE 30, 2018

R-16-022

Endorsers: Alderman June M. Caron
Alderman Don LeBrun
AUTHORIZING THE MAYOR TO APPLY FOR AND EXPEND THE COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") AND HOME INVESTMENT PARTNERSHIP PROGRAM GRANT FOR FISCAL YEAR 2017

R-16-023

Endorsers: Mayor Jim Donchess
Alderman-at-Large Lori Wilshire
RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$28,600 FROM THE NEW HAMPSHIRE HIGHWAY SAFETY AGENCY INTO POLICE GRANT ACTIVITY "FY16 SUSTAINED TRAFFIC ENFORCEMENT PROGRAM (STEP)"

NEW BUSINESS – ORDINANCES

PERIOD FOR GENERAL PUBLIC COMMENT

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Committee announcements:

ADJOURNMENT



ORDINANCE

ADMINISTRATIVE ENFORCEMENT OF ORDINANCES

CITY OF NASHUA

In the Year Two Thousand and Sixteen

The City of Nashua ordains that Part II “General Legislation” of the Nashua Revised Ordinances as amended, is hereby further amended by adding the following new Chapter as follows:

“Chapter 74

ADMINISTRATIVE ENFORCEMENT OF ORDINANCES

§ 74-1. Citation authority.

City departments or officials charged with the responsibility for enforcing the ordinances and codes of the city are hereby authorized to issue citations for any violation of the ordinances or codes that they are responsible for enforcing. The enforcement authority provided hereby is provided for in RSA 31:39-c and is in addition to the authority for ordinance and code enforcement that currently exists.

§ 74-2. Citation defined.

A citation is a written and/or printed notice describing a specific violation of a city ordinance or code which is served on the person responsible for the violation. Each day on which a violation exists or occurs is a separate offense, and a citation may be issued for each offense. A citation shall be served in the manner described in this chapter, and shall contain the following information:

- A. A clear and concise description of the violation.
- B. The location of the violation and the date and time on which it was observed.
- C. The name and address of the person responsible for the violation.
- D. The penalty for the violation as provided for in this chapter.
- E. A statement or table describing the penalties for future occurrences of the same violation.
- F. A statement as to whether the citation is being issued for a first, second, or subsequent offense.

- G. The name and address of the office to which the payment of the penalty may be made.
- H. The time period during which a reduced penalty may be paid in full satisfaction of the citation.
- I. Notification that failure to pay the penalty may result in court action.
- J. The signature and printed name and department of the individual issuing the citation.

§ 74-3. Service of citation.

- A. Any citation shall be served by the official issuing it in any one of the following ways:
 - (1) In hand to the person responsible for the violation; or
 - (2) By certified, registered or U.S. Postal Service first class mail, to the last known address of the person responsible for the violation, or as listed with the NH Division of Motor Vehicles.
- B. The official serving the citation shall maintain a record of the date, time, and manner of service of the citation including the post office receipt if service was accomplished by registered or certified mail.

§ 74-4. Citation penalties.

- A. (1) The penalties for any offense relating to the following ordinances for which a citation has been issued shall be as follows:

Table 4-1

NRO	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	DESCRIPTION
§ 182-28	\$ 50.00	\$ 100.00	\$ 250.00	Exterior standards.
§ 182-29	\$ 50.00	\$ 100.00	\$ 250.00	Interior standards.
§ 182-30	\$ 50.00	\$ 100.00	\$ 250.00	Premises and accessory structure standards.
§ 182-31	\$ 50.00	\$ 100.00	\$ 250.00	Emergency and Code Enforcement Dept Information
§ 182-32	\$ 50.00	\$ 100.00	\$ 250.00	Standards.
§ 182-33	\$ 50.00	\$ 100.00	\$ 250.00	Sanitary facilities
§ 182-34	\$ 50.00	\$ 100.00	\$ 250.00	Mechanical requirements
§ 182-35	\$ 50.00	\$ 100.00	\$ 250.00	Electrical requirements
§ 182-36	\$ 50.00	\$ 100.00	\$ 250.00	Means of Egress Standards
§ 182-37	\$ 50.00	\$ 100.00	\$ 250.00	Lodging Units
§ 182-38	\$ 50.00	\$ 100.00	\$ 250.00	Number of exitways
§ 182-39	\$ 50.00	\$ 100.00	\$ 250.00	Egress Doors
§ 182-40	\$ 50.00	\$ 100.00	\$ 250.00	Fire Escapes and Ladders
§ 182-41	\$ 50.00	\$ 100.00	\$ 250.00	Smoke detectors/alarm devices
§ 182-42	\$ 50.00	\$ 100.00	\$ 250.00	Fire Suppression systems
§ 170-2	\$ 100.00	\$ 250.00	Court Appearance	FS License required
§ 170-5 He-P 2303.01 + .02 (a)-(o)	\$ 100.00	\$ 250.00	\$ 500.00	CV 01-Food source, condition, spoilage
§ 170-5 He-P 2304.04-22	\$ 100.00	\$ 250.00	\$ 500.00	CV 03-Food protection-PHF meets temp requirements
§ 170-5 He-P 2304.23+24	\$ 100.00	\$ 250.00	\$ 500.00	CV 04-Food protection-facilities maintain product temps
§ 170-5 He-P 2304.29-35	\$ 100.00	\$ 250.00	\$ 500.00	CV 07-Food protection-unwrapped + PHF not re-served

§ 170-5 He-P 2305.01-05	\$ 100.00	\$ 250.00	\$ 500.00	CV 11-Personnel with infections restricted
§ 170-5 He-P 2305.06-08	\$ 100.00	\$ 250.00	\$ 500.00	CV 12-Personnel-hands washed and good hygienic practices
§ 170-5 He-P 2310.03	\$ 100.00	\$ 250.00	\$ 500.00	CV 20-Food Equip. + Utensils-sanitized, etc.
§ 170-5 He-P 2311	\$ 100.00	\$ 250.00	\$ 500.00	CV 27-Water source-hot and cold
§ 170-5 He-P 2312	\$ 100.00	\$ 250.00	\$ 500.00	CV 28-Sewage and waste water disposal
§ 170-5 He-P2313.02	\$ 100.00	\$ 250.00	\$ 500.00	CV 30-Plumbing-cross connection, backflow, etc.
§ 170-5 Plu 700 + He-P 2314.01-03	\$ 100.00	\$ 250.00	\$ 500.00	CV 31-Toilet + Hand washing Facilities
§ 170-5 He-P2316	\$ 100.00	\$ 250.00	\$ 500.00	CV 35-Insect, Rodent Animal Control
§ 170-5 He-P 2321	\$ 100.00	\$ 250.00	\$ 500.00	CV 41-Other Operations-Toxic items
Chap. 105 Art. II	\$ 50.00	\$ 100.00	\$ 200.00	Building Violation
Chap. 105 Art. III	\$ 50.00	\$ 100.00	\$ 200.00	Mechanical Violation
Chap. 105 Art. IV	\$ 50.00	\$ 100.00	\$ 200.00	Plumbing Violation
Chap. 105 Art. V	\$ 50.00	\$ 100.00	\$ 200.00	Electrical Violation
§ 190 -146	\$ 200.00	\$ 400.00	Court Appearance	Site Plan Violation
§ 190-135	\$ 200.00	\$ 400.00	Court Appearance	Subdivision Plan Violation
§ 190-15	\$ 100.00	\$ 200.00	Court Appearance	Zoning Use Violation
§ 190-16	\$ 100.00	\$ 200.00	Court Appearance	Zoning Dimensional Violation
Chap. 190, Art. X	\$ 100.00	\$ 200.00	Court Appearance	Sign Violation
Chap. 190, Art. XI	\$ 100.00	\$ 200.00	Court Appearance	Wetlands Violation
Chap. 190, Art VII	\$ 100.00	\$ 200.00	Court Appearance	Flood Plain Violation
Chap. 156 Art. IV NFPA I	\$ 200.00	\$ 400.00	Court Appearance	Exceeding occupancy.capacity of the posted Place of Assembly Permit
Chap. 156 Art. IV NFPA 17A	\$ 100.00	\$ 200.00	Court Appearance	Failure to maintain kitchen hood suppression system
Chap. 156 Art. IV NFPA 96	\$ 100.00	\$ 200.00	Court Appearance	Failure to maintain cooking hood and ventilation system
Chap. 156 Art. IV NFPA 25	\$ 150.00	\$ 300.00	Court Appearance	Failure to maintain the buildings water based fire protection system
Chap. 156 Art. IV NFPA 72	\$ 150.00	\$ 300.00	Court Appearance	Failure to maintain the buildings fire alarm system

(2) If any penalty set forth in Table 4-1 is not paid within ten days of the date the citation was issued, the penalty shall be the amount set forth in Table 4-1 of this subsection plus \$50 up to a maximum of \$1,000.

B. The penalties for any other offense for which a citation has been issued shall be as follows:

- (1) First offense - \$50 if paid within ten days; \$100 thereafter.
- (2) Second offense - \$100 if paid within ten days; \$150 thereafter.
- (3) Subsequent offense - \$200 if paid within ten days; \$250 thereafter.

C. Second and subsequent offenses are offenses that occur within twelve months of the first offense.

§ 74-5. Penalty.

Whenever any person fails to pay any penalty imposed pursuant to a citation issued under the authority granted by this chapter, § 1-12, or § 1-13, such person shall be guilty of a violation and shall, upon conviction, be punished by a fine not to exceed the maximum allowed by RSA 47:17 or other applicable law for each offense. Each citation penalty, which is not paid, shall constitute

a separate offense. If the administrative enforcement system established in the Code is unsuccessful at resolving alleged violations, a summons may be issued as otherwise provided by law, including use of the procedure for plea by mail set forth in RSA 31:39-d."

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

It is further ordained that the Nashua Revised Ordinances as amended, is hereby further amended as follows:

1. In Part II "General Legislation", Chapter 182 "Housing Standards", Article IV "Enforcement", "Section 23, "Contents, service of notice of violation," by deleting the struck through language as follows:

A. Whenever the Housing Inspector determines that there has been or is a violation, or that there are reasonable grounds to believe that there has been or is a violation of any provision of this chapter, he shall give notice of such violation or alleged violation to the person or persons responsible therefor. Such notice shall:

(1) Be in writing;

(2) Include a description of the real estate sufficient for identification;

(3) Specify the violation which exists and the remedial action required;

(4) Allow a reasonable time for the performance of any act it requires.

B. Notices of violation, complaints, or orders shall be deemed to be properly served upon the person responsible for an alleged violation if a copy thereof is delivered to him personally, or left at his usual place of abode or business with a person of suitable age and discretion who shall be informed of the contents thereof, or sent by first-class mail to his last known address, or posted in a conspicuous place on or about the premises affected, or served, delivered or published in any other way reasonably calculated to provide actual notice.

~~C. Notice of violation under this section includes warnings and citations issued pursuant to § 182-24 of this chapter.~~

2. In Part II "General Legislation", Chapter 182 "Housing Standards", Article IV "Enforcement", "Section 24, "Warnings and citations," by deleting the section in its entirety.

~~A. Generally. The head of the Code Enforcement Department and his designee may issue warnings or citations to any person, natural or otherwise, including but not limited to any owner, landlord, agent, tenant, lessee or sublessee, who shall violate a provision of this chapter or permit, allow or suffer any violation of this chapter, or who fails to comply with an order or orders issued in accordance with the provisions of this chapter. Such warnings or citations may be employed as either substitution for or preliminary to and without limitation to other remedies available to the City. Such warnings and citations shall be in accordance with the procedures established by the head of the Code Enforcement Department.~~

~~B. Action on warnings. Warnings shall be written upon standard forms authorized by the head of the Code Enforcement Department. Warnings shall specify the reason for the warning and shall direct abatement of such condition which caused the issuance of~~

~~such warnings within a reasonable and certain period of time. Where warnings elicit compliance as directed, the Code Official may cause such warnings to be filed without further action.~~

~~C. Action on citations. Citations shall be written upon standard forms authorized by the head of the Code Enforcement Department. Citations shall specify the reason for the citation and shall direct abatement of such conditions which cause the issuance of such citations within a reasonable and certain period of time. Where citations elicit compliance as directed, the Code Official may cause such citations to be filed without further action after applicable fees, as provided by this chapter, have been paid.~~

~~D. Fees for citations:~~

~~(1) The following fees for citations are generally intended to defray administrative costs incurred by the City in obtaining abatement of conditions which cause the issuance of such citations:~~

~~(a) For each citation issued and one reinspection to subject property: \$15.~~

~~(b) For each additional reinspection or attempted reinspection: \$25.~~

~~(2) Payment of fees provided herein shall be deemed to be an administrative fee, freely paid without future recovery or other action against the City, its official, employees or agents.~~

3. In Part II "General Legislation", Chapter 182 "Housing Standards", Article IV "Enforcement", "Section 26, "Violations and penalties," by deleting the struck-through language and adding the new underlined language as follows:

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punished as provided in § 1-12 of the City Code subject to a fine of not less than \$25 nor more than \$100 at the discretion of the court. Every day a violation continues after due notice has been served in accordance with the terms and provisions of this chapter shall be deemed a separate offense.

This legislation shall take effect following its passage.



Woodlawn Cemetery

Chairman
NILES F. JENSEN JR.
Secretary
MARVIS J. MELLEN

Len Fournier - Superintendent
Mayor Donnalee Lozeau - Ex-Officio
101 Kinsley Street
Nashua, New Hampshire 03060
Phone: (603) 594-3354 Fax: (603) 594-3418

Vice Chairman
MICHAEL L. MCLAUGHLIN
Treasurer
DAVID G. FREDETTE

March 8, 2016

Nashua Board of Alderman
Attn: Susan Lovering
City Hall
Nashua, NH 03060

Dear Susan,

Would you please schedule a Joint Convention with the Alderman to re-nominate Barbara Whitmore to a new five year term as a Trustee of Woodlawn/Pinewood Cemeteries.

Thank You,

Len Fournier
Superintendent
Woodlawn/Pinewood Cemeteries

CC: Niles Jensen, Chairmen of Trustees

Jim Donchess

Mayor • City of Nashua

To: Board of Aldermen

From: Jim Donchess

Date: 3/22/16

Re: Contract Award of Library HVAC Maintenance

Pursuant to NRO § 5-74 (B), which states that a contract that extends from the current fiscal year into succeeding fiscal year(s) in which no funds have been appropriated nor otherwise designated for this purpose shall be approved by the full Board of Aldermen before the contract shall become binding on the City.

The Finance Committee approved the award of the below referenced contract at their March 16, 2016 meeting. I am requesting the concurrence and approval of the full Board of Aldermen for the award of the following contract:

Library HVAC Maintenance – Attached please find Purchasing Manager's Memo # 16-117 regarding this contract. This is a two (2) year contract with an option for a third year.



THE CITY OF NASHUA

Financial Services

Purchasing Department

"The Gate City"

March 10, 2016
Memo #16-117

TO: MAYOR DONCHESS
FINANCE COMMITTEE

SUBJECT: AWARD OF LIBRARY HVAC MAINTENANCE AGREEMENT (VALUE: NOT TO
EXCEED \$15,000)
DEPARTMENT: LIBRARY; FUND: GENERAL FUND
ACCOUNT CLASSIFICATION: 54 PROPERTY SERVICES

Please see attached communication from Jennifer McCormack, Library Director dated March 17, 2016 for the information related to this contract award.

Pursuant to **§ 5-78 Major purchases (greater than \$10,000)** A. All supplies and contractual services, except as otherwise provided herein, when the estimated cost thereof shall exceed \$10,000 shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting bids.

The Library Director and the Purchasing Department recommend awarding multi-year contract to Palmer and Sicard of Exeter, NH in an amount not to exceed **\$15,000**. This is a two (2) year contract with an option for a third year renewal.

Respectfully,

Dan Kookan
Purchasing Manager

Cc: J McCormack J Graziano